

04. FEDERAL LEGISLATION AND REGULATIONS

04.1: U.S. Constitution

See **Reiter v. Yellowstone County (1981)** and **Wage Appeal of Highway Patrol Officers v. Board of Personnel Appeals (1984)**

“[T]he Board of Personnel Appeals does not have jurisdiction to hear a complaint alleging a violation of a person’s constitutional right to free speech. ”
ULP #33-84 .

04.5: Federal Pre-Emption

The Collective Bargaining for Public Employees Act provides no remedy for a union allegedly breaching a duty it owed to a member “by its failure to fairly represent a grievance. Section **39-31-402, MCA** does not encompass this situation.” The Montana Supreme Court held that the District Court (as opposed to the federal court) had jurisdiction. **Ford v. University of Montana (1979)**

04.6: Conflict with State Legislation

See **UD #5-80.**